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Paper 5

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JUL 5 2001

In re Reissue Application of Patent No. 6,041,031
Original Patent issue date: March 21, 2000
Reissue Application No. 09/726,436
Filed: December 1, 2000
Attorney Docket No. SON-1212/RE

OFFICE OF PETITIONS
A/C PATENTS
DECISION GRANTING
PETITION

This is a decision on the petition, filed on February 20, 2001, in effect requesting that an undated Notice Of Missing Parts ("Notice"), for the above-identified reissue application, be partially withdrawn to the extent that it refers to assignee consent and statement under 37 CFR 3.73(b), and that the application be accorded a filing date of December 1, 2000.

The petition is GRANTED.

The reissue application was filed on December 1, 2000. On January 25, 2001, a filing receipt was mailed by the Initial Patent Examination Division of the Office (OIPE), acknowledging receipt of the application papers filed on December 1, 2000, and according that filing date to this application.¹ However, OIPE subsequently mailed the undated Notice, stating that the application was missing the assignee's signed consent, assignee's signed statement under 37 CFR 3.73(b), and a reissue specification in double column format pursuant to 37 CFR 1.173(a)(1).

In response, the present petition is filed. Petitioners argue that the assignee's signed consent and statement under 37 CFR 3.73(b) were submitted with the remainder of the application on December 1, 2000.²

The assignee's consent to the reissue application, and the assignee's statement under 37 CFR 3.73(b), both signed, have been located in the Office file. The Office also acknowledges receipt of a reissue specification, in double column format, with the present petition.

In view of the above, the Notice was sent in error in as much as it refers to missing or unsigned

¹ See MPEP 503 (Rev. 1, Feb. 2000): "The OIPE mails a filing receipt . . . for each application filed which meets the minimum requirements to receive a filing date . . .".

² The assignment to Sony Corporation of the rights to the original patent application (08/994,455), and thus the subsequently-issued patent (6,041,031), was recorded in the Office on 5/18/98.

assignee consent and statement under 37 CFR 3.73(b). The petition is thus granted.

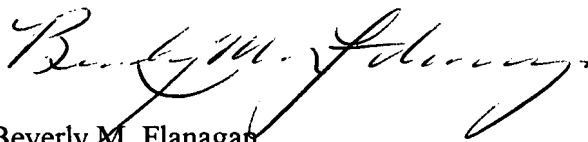
The undated Notice is hereby partially withdrawn to the extent that it refers to assignee consent and statement under 37 CFR 3.73(b).

While the Notice remains valid with respect to the non-conforming reissue specification,³ the present petition would not have been necessitated if the specification format were the only outstanding issue when the application was initially filed on December 1, 2000.⁴ Accordingly, a petition fee is not required and will not be charged to Petitioner's deposit account.

The reissue application is being returned to OIPE for further processing with a filing date of December 1, 2000.

The Office acknowledges receipt of the Preliminary Amendment filed with the present petition.

Telephone inquiries concerning this matter may be directed to Petitions Attorney RC Tang at (703) 308-0763.



Beverly M. Flanagan
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for Patent Examination Policy

³ The entire reissue specification, including claims, must be furnished in double column format. See 37 CFR 1.173(a)(1) (Revised, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000).

⁴ The present petition only disputes the appropriateness of the Notice as it pertains to assignee consent and statement under 37 CFR 3.73(b).